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PATENT

**DOCKET NO.: D8505-00082**

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

James C. Phillips

For:  Integration of Legacy Mainframe Systems Through Data Stream Objectification into Finite State Machines

## CERTIFICATION UNDER 37 CFR § 1.10

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the U.S. Postal Service in an envelope as "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 CFR § 1.10, Mailing Label Number **EL714916079US** addressed to the: Assistant Commissioner for Patents, Washington, DC 20231.

_October 26, 2001_
Date

_Steven E. Koffs_

Box PATENT APPLICATION
Assistant Commissioner for Patents
Washington, DC 20231

Sir:

## PATENT APPLICATION TRANSMITTAL LETTER

Transmitted herewith for filing, please find the following:

**Type of Application:**

[X]  Utility (non-provisional)

    [ ]  Divisional
    [ ]  Continuation
    [ ]  Continuation-In-Part (CIP)

PH3\648640.1

**Incorporation by Reference:**

[ ]    The entire disclosure of the prior application, **from which a copy of the Oath or Declaration is supplied**, is considered to be part of the disclosure of the accompanying application and is hereby incorporated by reference herein *(37 CFR § 1.63(d))*

**Benefit of Prior U.S. Application(s) Claimed** *(37 CFR § 1.78)*:

[ X ]    PLEASE ENTER THE FOLLOWING AMENDMENT TO THE SPECIFICATION UNDER THE CROSS REFERENCE TO RELATED APPLICATIONS SECTION:

    [X  ]    This application claims the benefit of **U.S. Provisional Application(s) No(s).** 60/_243,806_, filed on __October 27, 2000__ .

    [ ]    This application is a [ ] **continuation** [ ] **continuation-in-part** [ ] **divisional** of copending **U.S. Application Serial No(s).** ____, filed on _____.

    [ ]    **International Application No.** _____ filed on _____ and which designated the U.S.

**Benefit of Prior Foreign Application(s):**

    [ ]    Priority is claimed under 35 U.S.C. § 119 of Application No. ____ filed on ____ in _____ [COUNTRY].

    [ ]    A Certified Copy of each of the following application(s) for which priority is claimed:

| COUNTRY | APPLICATION NO. | FILING DATE |
|---|---|---|
|  |  |  |
|  |  |  |
|  |  |  |

    [ ]    is enclosed.

    [ ]    has been filed in prior Application Serial No. 0_/_____, which was filed on _____.

**Application Elements Enclosed:**

[x]     _20_ Pages of Specification

[x]     _6_ Pages of Claims

[x]     _11_ Sheets of Drawings

      [ ]     Formal

      [X]     Informal

           [ ]     Petition to Accept Photographs *(37 CFR § 1.84(b))*.

[x]     _1_ Page(s) of Abstract of the Disclosure

**Accompanying Application Parts:**

[ ]     Associate Power of Attorney

[ ]     Preliminary Amendment

[ ]     Information Disclosure Statement

      [ ]     Form PTO 1449 (PTO/SB/08A, 08B)

      [ ]     Copies of Cited References

[X]     Non-Publication Request (PTO/SB/35)

[ ]     Microfiche (Appendix) *(37 CFR § 1.96(c))*.

[X]     Return Receipt Postcard (itemized)

**Declaration or Oath and Power of Attorney:**

[ ]     New (executed original or copy).

[X]     New (unexecuted).

[ ]     Copy from prior application *(37 CFR § 1.63(d))*

**Deletion of Inventor(s)** *(37 CFR § 1.63(d)(2), 1.33(b))*:

[ ]     Signed Statement deleting inventor(s) named in the prior application is attached.

**Assignment:**

[]      An executed Assignment of the invention to

**Small Entity Statements:**

[X ]      Applicant claims small entity status under 37 §§ CFR 1.9 and 1.27.

The filing fee has been calculated as shown below:

| | NO. FILED | NO. EXTRA | SMALL ENTITY RATE | SMALL ENTITY FEE | OR | OTHER THAN SMALL ENTITY RATE | OTHER THAN SMALL ENTITY FEE |
|---|---|---|---|---|---|---|---|
| BASIC FEE | | | | $370 | OR | | $740 |
| TOTAL CLAIMS | 41 - 20 = | 21 | x 9 = | $189 | OR | x 18 = | $ |
| INDEP. CLAIMS | 2 - 3 = | 0 | x 42 = | $-0- | OR | x 84 = | $ |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM(S) | | | +140 = | $-0- | OR | +280 = | $ |
| | | TOTAL | | $559 | OR | | $ |

**Method of Payment of Fees:**

[ ]      **No filing fee is to be paid at this time.**

[ ]      Please charge my Deposit Account No. 04-1679 in the amount of $_____. This transmittal is attached in duplicate.

[X ]      A check in the amount of **$559.00 filing fee** is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 04-1679.

**Authorization to Charge Additional Fees:**

*NOTE: if no fees are to be paid on filing, the following items should NOT be completed.*

[x]     The Commissioner is authorized to charge payment of the following fees and to refund any overpayment associated with this communication or during the pendency of this application to Deposit Account No. 04-1679.

    [x]     Filing fees *(37 CFR § 1.16(a), (f) or (g))*.

    [x]     Presentation of extra claims *(37 CFR § 1.16(b), (c) and (d))*.

    [x]     Surcharge for filing the basic filing fee and/or declaration later than the filing date of the application *(37 CFR § 1.16(e)*.

    [x]     37 CFR §§ 1.17(a)(1)-(5) *(Extension fees pursuant to 37 CFR § 1.136(a))*.

    [x]     Application processing fees *(37 CFR § 1.17)*.

Date: October 26, 2001

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| **NONPUBLICATION REQUEST UNDER 35 U.S.C. 122(b)(2)(B)(i)** | First Named Inventor | James C. Phillips |
| --- | --- | --- |
| | Title | Integration of Legacy Mainframe Systems Through Data Stream Objedtification into Finite State |
| | Atty Docket Number | D8505-00002 |

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

October 26, 2001
_____
Date

_Steven E. Koffs_ (signature)
Signature

STEVEN E. KOFFS
_____
Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing.**

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**